

1 BILL NO. G-85- 03-50

2 GENERAL ORDINANCE NO. G- 09-85

3 AN ORDINANCE amending the Thoroughfare Plan
4 of the City Comprehensive ("Master") Plan
5 by vacating an alley thereof.

6 WHEREAS, a petition to vacate a public alley within the City of
7 Fort Wayne (as more specifically described below) was duly filed with the
8 City Planning Commission; and,

9 WHEREAS, said Commission duly held a public hearing thereon; and

10 WHEREAS, said Commission has duly forwarded its recommendation to
11 this body approving said petition, all in accordance with I.C. 36-7-4-512(2)
12 and this body having held a public hearing on said vacation as provided in
13 I.C. 36-7-3-12; and

14 WHEREAS, this body concurs in the recommendation of the City
15 Planning Commission.

16 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
17 FORT WAYNE, INDIANA:

18 SECTION 1. That the petition filed herein to vacate a public alley
19 within the City of Fort Wayne, more specifically described as follows, to-wit:

20 A platted alley, 10 feet wide, lying along the South line
21 of Lots 4 through 15 and along the East line of Lot 4 in
22 C.L. Centlivre Addition to the City of Fort Wayne, Indiana,
more particularly described as follows, to-wit:

23 Beginning at the Northwest corner of Lot Number 3 in said
24 C.L. Centlivre Addition to the City of Fort Wayne, Indiana;
25 thence South bearing assumed along the West line of Lots
26 Number 3, 2 and 1 a distance of 125.00 feet; thence South
27 89 degrees 54 minutes 30 seconds West along the North
28 line of Lots Number 19 through 13, and Lots Number 22, 23 and
29 a part of Lot Number 24 in Eckart's Addition to Fort Wayne a
30 distance of 527.00 feet; thence North 34 degrees 59 minutes
31 30 seconds East along the Easterly line of the former
32 St. Joseph Feeder Canal 12.21 feet to the Southwest
corner of Lot Number 15 in said C.L. Centlivre Addition;
thence North 89 degrees 54 minutes 30 seconds East along
the South line of Lots Number 15 through 4 a distance of
505.00 feet; thence North 44 degrees 54 minutes 30 seconds
East 7.07 feet to a point on the East line of Lot Number 4
in the C.L. Centlivre Addition; thence North along the East
line of Lot Number 4 a distance of 110.00 feet to the
Northeast corner of Lot 4 on the South line of State
Street; thence North 89 degrees 56 minutes 00 seconds
East along said South line of State Street 10.00 feet to

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point of beginning;

An alley 10 feet wide, lying East of Lot 19 in Eckart's Addition to the City of Fort Wayne, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot Number 19 in Eckart's Addition to the City of Fort Wayne, Indiana; thence North bearing assumed along the East line of said Lot Number 19 a distance of 107.50 feet to the Northeast corner thereof; thence North 89 degrees 54 minutes 30 seconds East 10.00 feet; thence South along the West line of Lots Number 21 and 20 in said Eckart's Addition 107.50 feet to the Southwest corner of said Lot Number 20 on the North line of Randolph Street; thence South 89 degrees 54 minutes 30 seconds West 10.00 feet to the point of beginning;

ALSO:

An alley conveyed by Petitioner to the City of Fort Wayne by quit claim deed dated May 11, 1954, lying West of Lot 23 in Eckart's Addition to the City of Fort Wayne, Indiana, more particularly described as follows:


Beginning at a point in the North line of Randolph Street eleven (11) feet west of the Southeast corner of Lot No. 23, Eckart's Continuation Addition to the City of Fort Wayne as recorded in Deed Record Book 67 on page 36 of the Records in the Recorder's Office of Allen County, Indiana; thence East eleven (11) feet to the Southeast corner of said Lot No. 23; thence Northeasterly along the Easterly line of said Lot No. 23 to the Northeast corner of said lot being located in the South line of a platted alley; thence West along the North line of said Lot No. 23, and along the South line of said platted alley sixteen (16) feet; thence Southwesterly to the place of beginning;

ALSO:

A strip of land 5 feet wide by 100 feet long lying adjacent to and immediately Southeasterly of Lot 24 JOHN H. JACOB'S ADDITION to the City of Fort Wayne as recorded in Plat Book 2, page 88, in the Office of the Recorder of Allen County, Indiana, and furthermore designated "alley" on said plat;

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.


COUNCILMEMBER

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APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

** Public hearing to be held _____, the _____
day of _____, 1985, in the Council Chambers.

Sandra E. Kennedy, City Clerk

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Redd, seconded by Salvino, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.

DATE: 3-26-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Stuo, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 4-23-85

Wadeyda Escherff
SANDRA E. KENNEDY, CITY CLERK
Chief Deputy

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. D-09-85 on the 23rd day of April, 1985,

ATTEST:

(SEAL)

Wadeyda Escherff
SANDRA E. KENNEDY, CITY CLERK
Chief Deputy

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of April, 1985, at the hour of 11:30 o'clock A.M., E.S.T.

Wadeyda Escherff
SANDRA E. KENNEDY, CITY CLERK
Chief Deputy

Approved and signed by me this 25th day of April, 1985, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

NOTE:
Clinton St
45' plat
widened 25' each side
DEC. RES. #677 (1935)

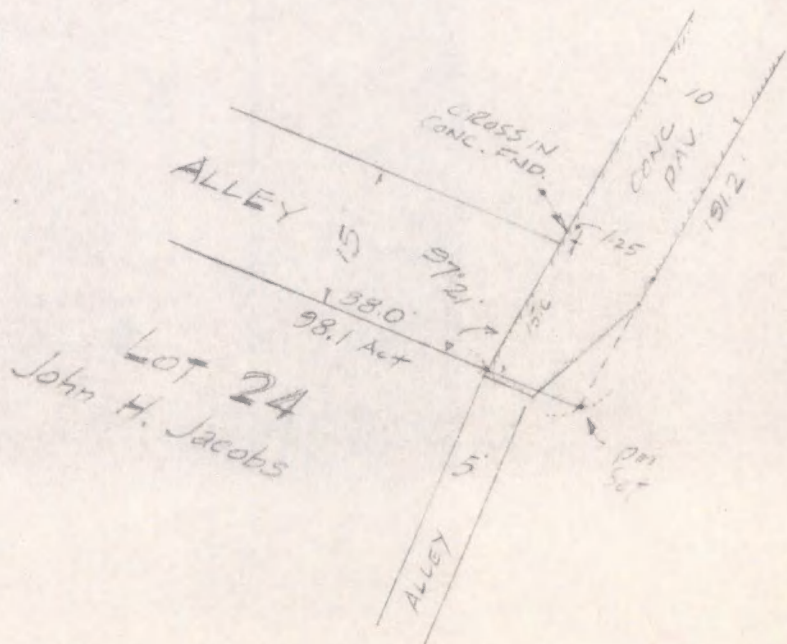
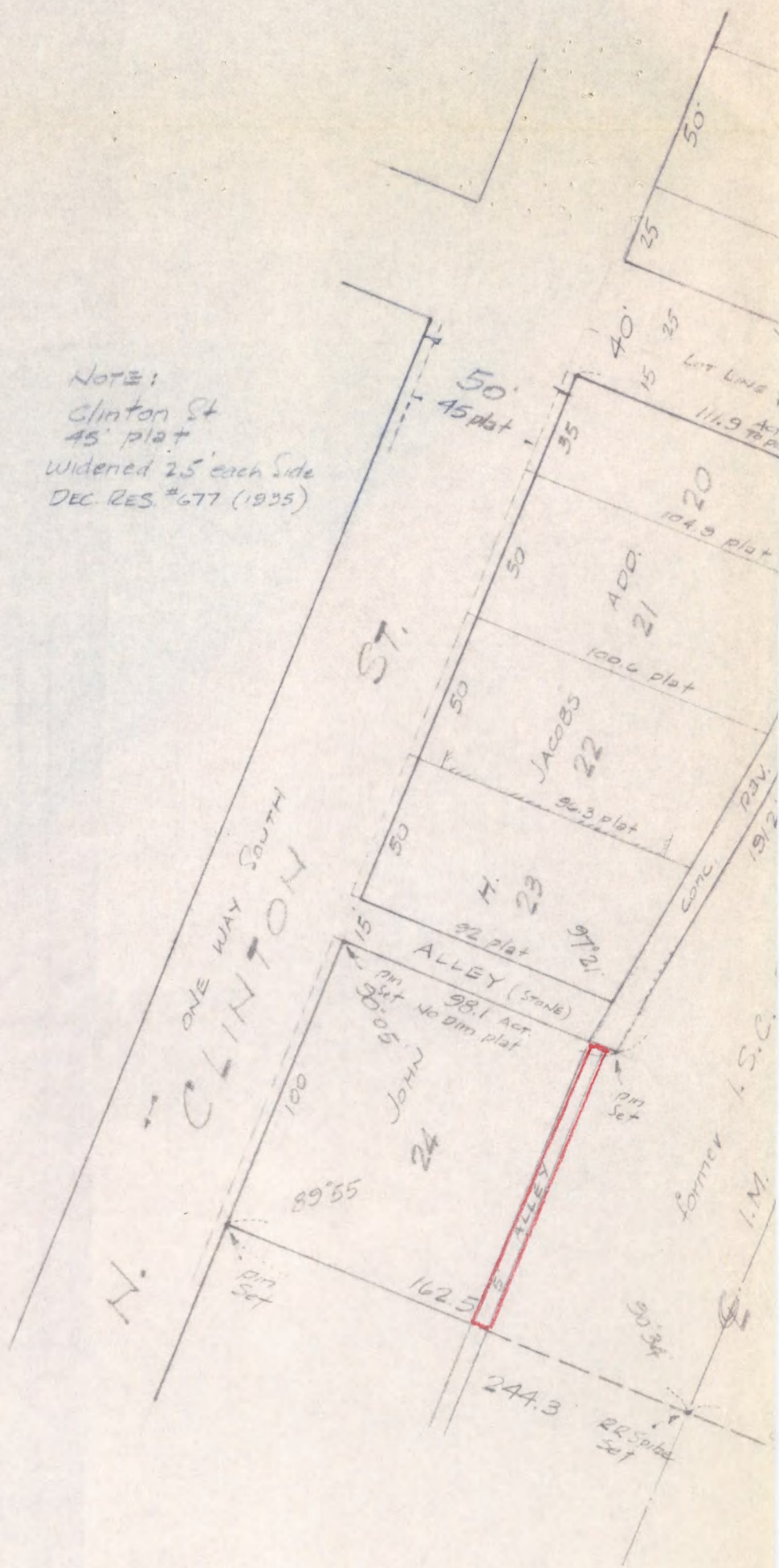


EXHIBIT "A"

DETAIL NW COR
LOT 15

pin frnt. brass plug
in conc 1.3N

pin
Set

STATE

TWO WAY TRAFF.

563.4 E plat
560.0 ACT

CENTLIVRES

ALLEY

ECKARTS

ECKARTS

RANDOLPH

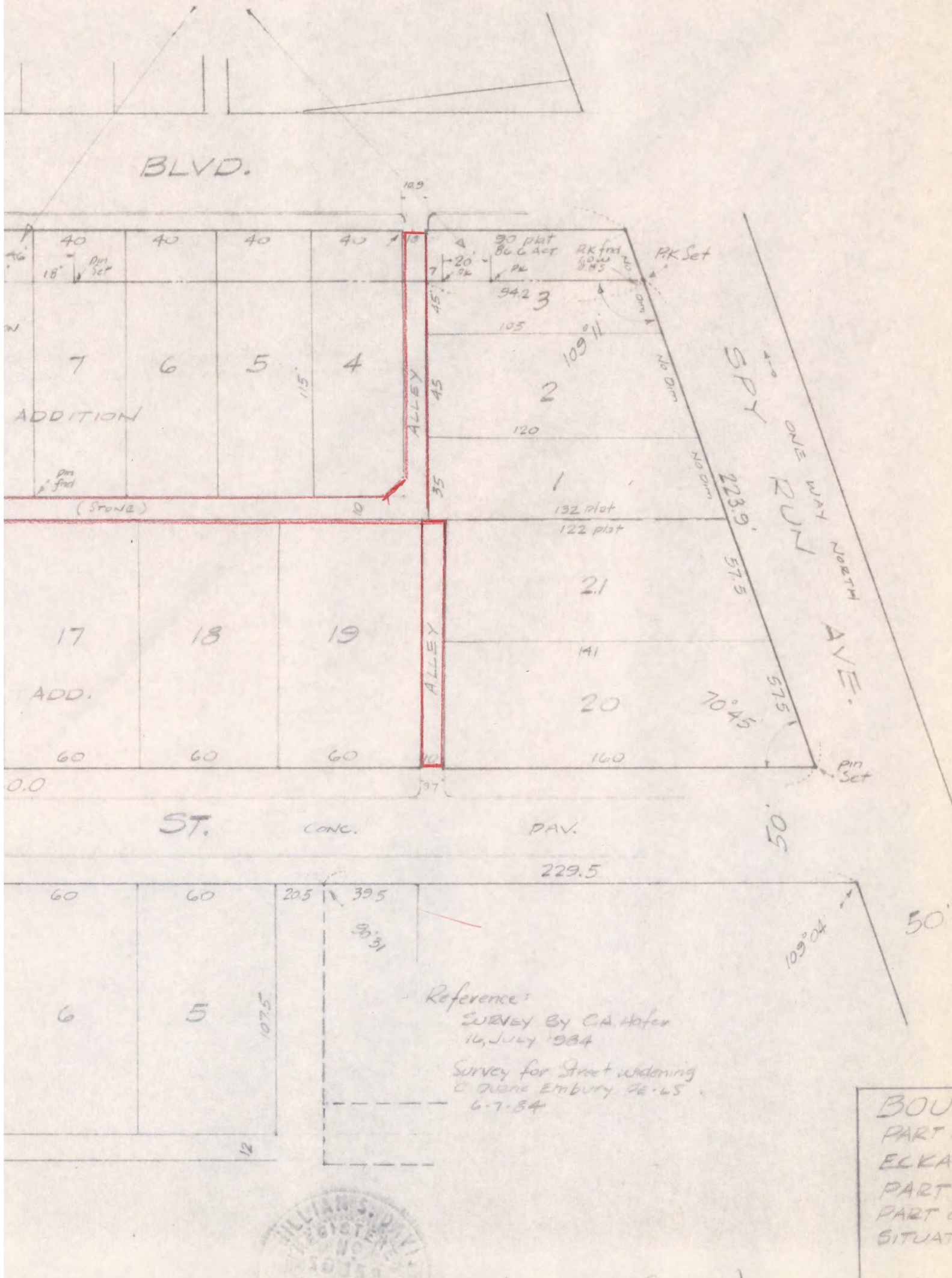
ADD. CONTINUED

ALLEY

VACATED

NOTE:
proposed openings
on State Blvd. indicated

BLVD.



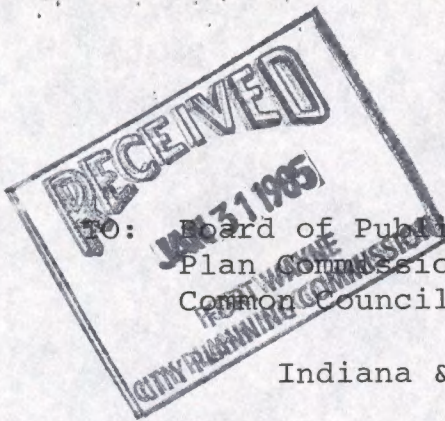
Reference:

SURVEY By C.A. Hofer
16, JULY 1934

Survey for Street widening
C. Diane Embury 26.65
6-7-34

BOUNDARY
PART OF
ECKMAN
PART OF
PART OF
SITUATION





PETITION TO VACATE

TO: Board of Public Works of the City of Fort Wayne, Indiana
Plan Commission of The City of Fort Wayne, Indiana
Common Council of the City of Fort Wayne, Indiana

Indiana & Michigan Electric Company ("Petitioner"),
being the owner of all of the real estate (except Lot No. 8
in Centlivre Addition which is being acquired by Petitioner)
abutting on both sides of the alleys herein sought to be vacated,
respectfully petitions and requests that:

1. The Board of Public Works of the City of Fort
Wayne, Indiana, adopt a resolution providing for the vacation
of the following described alleys in the City of Fort Wayne,
Allen County, Indiana, to-wit:

A platted alley, 10 feet wide, lying along the South line
of Lots 4 through 15 and along the East line of Lot 4 in
C.L. Centlivre Addition to the City of Fort Wayne,
Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot
Number 3 in said C.L. Centlivre Addition to
the City of Fort Wayne, Indiana; thence
South bearing assumed along the West line
of Lots Number 3, 2 and 1 a distance of
125.00 feet; thence South 89 degrees 54
minutes 30 seconds West along the North
line of Lots Number 19 through 13, and Lots
Number 22, 23, and a part of Lot Number 24
in Eckart's Addition to Fort Wayne a
distance of 527.00 feet; thence North 34
degrees 59 minutes 30 seconds East along
the Easterly line of the former St. Joseph
Feeder Canal 12.21 feet to the Southwest
corner of Lot Number 15 in said C.L.
Centlivre Addition; thence North 89 degrees
54 minutes 30 seconds East along the South
line of Lots Number 15 through 4 a distance
of 505.00 feet; thence North 44 degrees 54
minutes 30 seconds East 7.07 feet to a
point on the East line of Lot Number 4 in
the C.L. Centlivre Addition; thence North
along the East line of Lot Number 4 a
distance of 110.00 feet to the Northeast
corner of Lot 4 on the South line of State
Street; thence North 89 degrees 56 minutes
00 seconds East along said South line of
State Street 10.00 feet to the point of
beginning;

Also:

An alley, 10 feet wide, lying East of Lot 19 in Eckart's Addition to the City of Fort Wayne, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot Number 19 in Eckart's Addition to the City of Fort Wayne, Indiana; thence North bearing assumed along the East line of said Lot Number 19 a distance of 107.50 feet to the Northeast corner thereof; thence North 89 degrees 54 minutes 30 seconds East 10.00 feet; thence South along the West line of Lots Number 21 and 20 in said Eckart's Addition 107.50 feet to the Southwest corner of said Lot Number 20 on the North line of Randolph Street; thence South 89 degrees 54 minutes 30 seconds West 10.00 feet to the point of beginning;

Also:

An alley conveyed by Petitioner to the City of Fort Wayne by quit claim deed dated May 11, 1954, lying West of Lot 23 in Eckart's Addition to the City of Fort Wayne, Indiana, more particularly described as follows:

Beginning at a point in the North line of Randolph Street eleven (11) feet West of the Southeast corner of Lot No. 23, Eckart's Continuation Addition to the City of Fort Wayne as recorded in Deed Record Book 67 on page 36 of the Records in the Recorder's Office of Allen County, Indiana; thence East eleven (11) feet to the Southeast corner of said Lot No. 23; thence Northeasterly along the Easterly line of said Lot No. 23 to the Northeast corner of said lot being located in the South line of a platted alley; thence West along the North line of said Lot No. 23, and along the South line of said platted alley sixteen (16) feet; thence Southwesterly to the place of beginning;

Also:

A strip of land 5 feet wide by 100 feet long lying adjacent to and immediately Southeasterly of Lot 24 JOHN H. JACOB'S ADDITION to the City of Fort Wayne as recorded in Plat Book 2, page 88, in the Office of the Recorder of Allen County, Indiana, and furthermore designated "alley" on said plat;

in accordance with the provisions of I.C. § 32-11-1.5-3 and I.C. § 36-9-2-5 and other provisions of the laws of the State of Indiana and the ordinances of the City of Fort Wayne, Indiana.

2. The Fort Wayne City Plan Commission give notice of hearing and hold a public hearing on the vacation of said Alleys in accordance with the provisions of I.C. § 36-7-4-5.

3. Upon determination that the vacation of said Alleys conforms to the general policy and pattern of development set out in the Comprehensive Master Plan of the City of Fort Wayne, Indiana, the Fort Wayne City Plan Commission recommend to the Common Council of the City of Fort Wayne, Indiana, that said Alleys be vacated.

4. The Common Council of the City of Fort Wayne enact an ordinance to amend the thoroughfare plan of the City of Fort Wayne, Indiana, by vacating the alley in accordance with all applicable laws of the State of Indiana and ordinances of the City of Fort Wayne, Indiana.

5. In support hereof, Petitioner represents that:

(a) It is the owner of the all of the real estate bordering both sides of said Alleys; except Lot No. 8 in Centlivre Addition, which said Lot is being acquired from the City of Fort Wayne pursuant an Agreement dated July 9, 1984, by and between the City of Fort Wayne, Indiana, acting by and through its Board of Public Works with the Approval of its Mayor, and the Petitioner;

(b) Said Alleys are not necessary as ingress or egress to other properties whatsoever;

(c) Said Alleys are unopened and unimproved;

(d) No other person, firm or corporation is interested in or affected by the vacation herein requested; and

(e) The maintenance of said Alleys is not

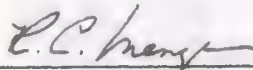
necessary or advantageous to the growth of the City of Fort Wayne and that the vacation of said Alleys would be in the best interest of the City and the citizens thereof.

6. Attached hereto, made a part hereof and marked Exhibit "A" is a copy of a page from the Fort Wayne Plat Book on which said Alleys are outlined in red.

WHEREFORE, Petitioner requests that said Alleys be vacated in accordance with all applicable laws in the State of Indiana and ordinances of the City of Fort Wayne, Indiana.

Dated this 30th day of JANUARY, 1985.

INDIANA & MICHIGAN ELECTRIC COMPANY



(R.C. Menge, Vice President)
P.O. Box 60
Fort Wayne, Indiana 46801

agent: Erwin J. Householder
P.O. Box 60
Fort Wayne, Indiana 46801

Attorney: Charles R. Cogdell
LIVINGSTON, DILDINE, HAYNIE & YODER
1400 One Summit Square
Fort Wayne, Indiana 46802
Telephone: (219) 423-9411

WHEREAS, INDIANA & MICHIGAN ELECTRIC COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alleys situated in Fort Wayne, Allen County, to-wit:

A platted alley, 10 feet wide, lying along the South line of Lots 4 through 15 and along the East line of Lot 4 in C.L. Centlivre Addition to the City of Fort Wayne, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot Number 3 in said C.L. Centlivre Addition to the City of Fort Wayne, Indiana; thence South bearing assumed along the West line of Lots Number 3, 2 and 1 a distance of 125.00 feet; thence South 89 degrees 54 minutes 30 seconds West along the North line of Lots Number 19 through 13, and Lots Number 22, 23 and a part of Lot Number 24 in Eckart's Addition to Fort Wayne a distance of 527.00 feet; thence North 34 degrees 59 minutes 30 seconds East along the Easterly line of the former St. Joseph Feeder Canal 12.21 feet to the Southwest corner of Lot Number 15 in said C.L. Centlivre Addition; thence North 89 degrees 54 minutes 30 seconds East along the South line of Lots Number 15 through 4 a distance of 505.00 feet; thence North 44 degrees 54 minutes 30 seconds East 7.07 feet to a point on the East line of Lot Number 4 in the C.L. Centlivre Addition; thence North along the East line of Lot Number 4 a distance of 110.00 feet to the Northeast corner of Lot 4 on the South line of State Street; thence North 89 degrees 56 minutes 00 seconds East along said South line of State Street 10.00 feet to

point of beginning;

An alley 10 feet wide, lying East of Lot 19 in Eckart's Addition to the City of Fort Wayne, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot Number 19 in Eckart's Addition to the City of Fort Wayne, Indiana; thence North bearing assumed along the East line of said Lot Number 19 a distance of 107.50 feet to the Northeast corner thereof; thence North 89 degrees 54 minutes 30 seconds East 10.00 feet; thence South along the West line of Lots Number 21 and 20 in said Eckart's Addition 107.50 feet to the Southwest corner of said Lot Number 20 on the North line of Randolph Street; thence South 89 degrees 54 minutes 30 seconds West 10.00 feet to the point of beginning;

ALSO:

An alley conveyed by Petitioner to the City of Fort Wayne by quit claim deed dated May 11, 1954, lying West of Lot 23 in Eckart's Addition to the City of Fort Wayne, Indiana, more particularly described as follows:

Beginning at a point in the North line of Randolph Street eleven (11) feet west of the Southeast corner of Lot No. 23, Eckart's Continuation Addition to the City of Fort Wayne as recorded in Deed Record Book 67 on page 36 of the Records in the Recorder's Office of Allen County, Indiana; thence East eleven (11) feet to the Southeast corner of said Lot No. 23; thence Northeasterly along the Easterly line of said Lot No. 23 to the Northeast corner of said lot being located in the South line of a platted alley; thence West along the North line of said Lot No. 23, and along the South line of said platted alley sixteen (16) feet; thence Southwesterly to the place of beginning;

ALSO:

A strip of land 5 feet wide by 100 feet long lying adjacent to and immediately Southeasterly of Lot 24 JOHN H. JACOB'S ADDITION to the City of Fort Wayne as recorded in Plat Book 2, page 88, in the Office of the Recorder of Allen County, Indiana, and furthermore designated "alley" on said plat;

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

Resolution

Page two

WHEREAS, said vacation of public alleys has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alleys hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alleys hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public alleys or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, David J. Kiester Chairman of the Board of Public Works, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held April 3, 1985 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 3rd DAY OF April 1985

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester

David J. Kiester, Director of Public Works

Cosette R. Simon

Cosette R. Simon, Director of Administration
& Finance

Lawrence D. Consalvos, Director of Public Safety

RESOLUTION

WHEREAS, INDIANA & MICHIGAN ELECTRIC COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alleys situated in Fort Wayne, Allen County, to-wit:

A platted alley, 10 feet wide, lying along the South line of Lots 4 through 15 and along the East line of Lot 4 in C.L. Centlivre Addition to the City of Fort Wayne, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot Number 3 in said C.L. Centlivre Addition to the City of Fort Wayne, Indiana; thence South bearing assumed along the West line of Lots Number 3, 2 and 1 a distance of 125.00 feet; thence South 89 degrees 54 minutes 30 seconds West along the North line of Lots Number 19 through 13, and Lots Number 22, 23 and a part of Lot Number 24 in Eckart's Addition to Fort Wayne a distance of 527.00 feet; thence North 34 degrees 53 minutes 30 seconds East along the Easterly line of the former St. Joseph Feeder Canal 12.21 feet to the Southwest corner of Lot Number 15 in said C.L. Centlivre Addition; thence North 89 degrees 54 minutes 30 seconds East along the South line of Lots Number 15 through 4 a distance of 505.00 feet; thence North 44 degrees 54 minutes 30 seconds East 7.07 feet to a point on the East line of Lot Number 4 in the C.L. Centlivre Addition; thence North along the East line of Lot Number 4 a distance of 110.00 feet to the Northeast corner of Lot 4 on the South line of State Street; thence North 89 degrees 54 minutes 00 seconds East along said South line of State Street 18.00 feet to

point of beginning;

An alley 10 feet wide, lying East of Lot 19 in Eckart's Addition to the City of Fort Wayne, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot Number 19 in Eckart's Addition to the City of Fort Wayne, Indiana; thence North bearing assumed along the East line of said Lot Number 19 a distance of 107.50 feet to the Northeast corner thereof; thence North 89 degrees 54 minutes 30 seconds East 10.00 feet; thence South along the West line of Lots Number 21 and 20 in said Eckart's Addition 107.50 feet to the Southwest corner of said Lot Number 20 on the North line of Randolph Street; thence South 89 degrees 54 minutes 30 seconds West 10.00 feet to the point of beginning;

ALSO:

An alley conveyed by Petitioner to the City of Fort Wayne by quit claim deed dated May 11, 1954, lying West of Lot 23 in Eckart's Addition to the City of Fort Wayne, Indiana, more particularly described as follows:

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ALSO:

A strip of land 5 feet wide by 100 feet long lying adjacent to and immediately Southeasterly of Lot 24 JOHN H. JACOB'S ADDITION to the City of Fort Wayne as recorded in Plat Book 2, page 88, in the Office of the Recorder of Allen County, Indiana, and furthermore designated "alley" on said plat;

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on March 18, 1985, at 7:00 p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alleys.

WHEREAS, said vacation of the alleys has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alleys hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alleys hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alleys or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alleys in Alley County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 25, 1985, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 8th DAY OF April, 1985

FORT WAYNE CITY PLAN COMMISSION
Melvin O. Smith
Secretary

ORIGINAL

DIGEST SHEET

Admn. Appr.

ORIGINAL

Y-85-03-50

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Platted alley, 10 foot wide, lying along the South line of
Lots 4 through 15 and along the East line of Lot 4 in C.L. Centlivre
Addition.

EFFECT OF PASSAGE Property is a platted public alley. Property will be vacated
and revert to adjacent property owners for private use.

EFFECT OF NON-PASSAGE Property will remain a public alley.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

FACT SHEET

G-85-03-50

**Division of Community
Development & Planning**

BILL NUMBER

BRIEF TITLE**APPROVAL DEADLINE****REASON**

Alley Vacation Ordinance

DETAILS

Specific Location and/or Address Alleys lying between State Blvd.; Spy Run Avenue; Clinton Street & Randolph Street
Reason for Project Alleys no longer needed all property will become part of I&M Complex.
Discussion (Including relationship to other Council actions) <u>March 18, 1985 - Public Hearing</u> Charles Cogdell, attorney representing the petitioner, Indiana & Michigan. He stated there are 4 alleys involved in the requested vacation. He stated that these alleys lie within the I&M complex and they are no longer needed for access. He stated that I&M owns all land adjacent to the alleys and they want them vacated since they are no longer needed. There was no one present who wished to speak in favor of or in opposition to the proposed alley vacations. <u>March 25, 1985 - Business Meeting</u> Motion was made to approve the requested vacations, motion carried.

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Indiana & Michigan City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date January 31, 1985

Projected Completion or Occupancy

Date April 4, 1985

Fact Sheet Prepared by
Pat Biancaniello

Date April 4, 1985

Reviewed by
Gary F. Baeten
Gary F. Baeten

Date April 4, 1985

Reference or Case Number

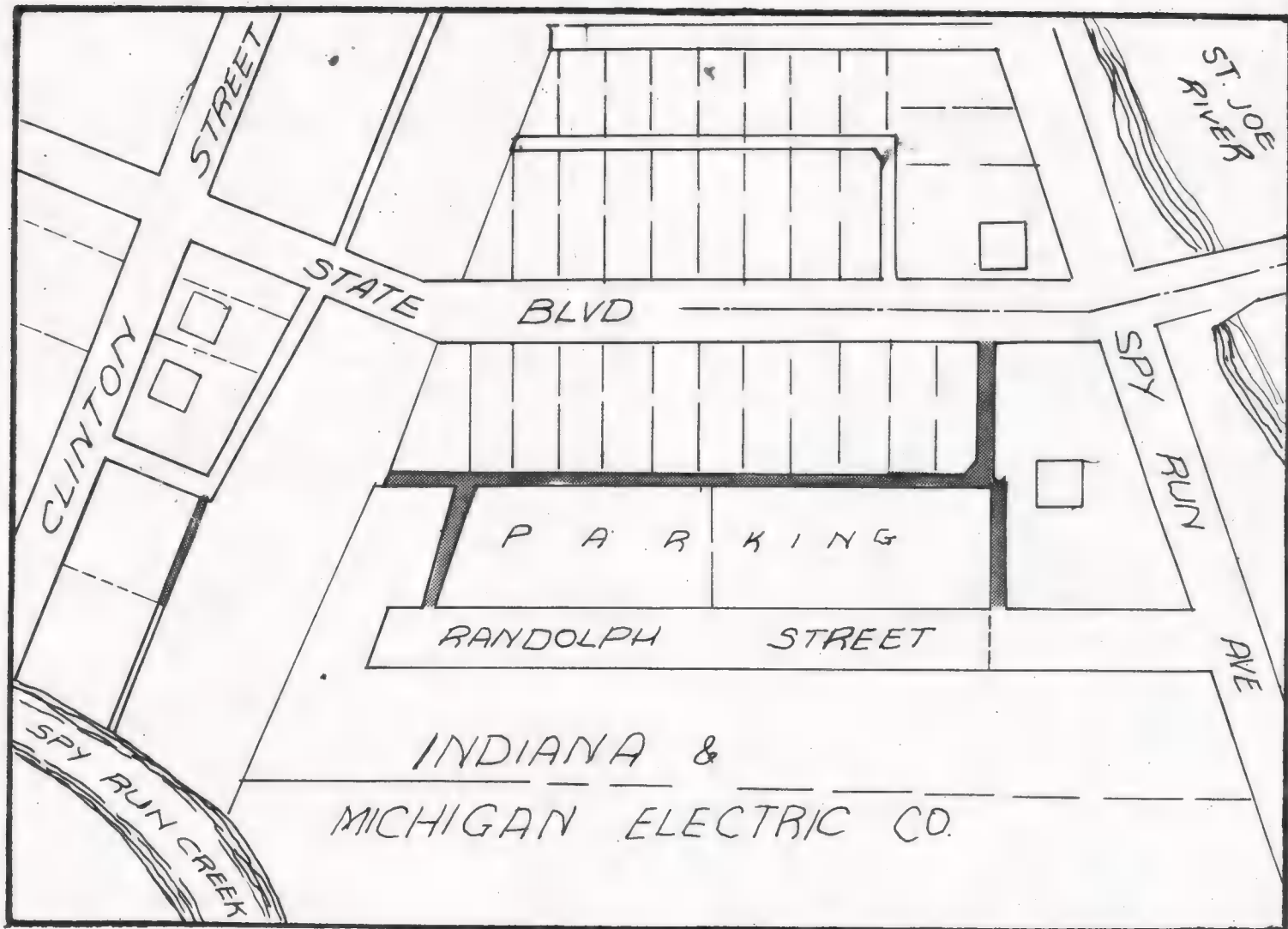
VACATION PETITION

#117

A PETITION TO VACATE THE DESCRIBED ALLEYS.

MAP NO. M-14

COUNCILMANIC DISTRICT NO. 3



Zoning:

Land Use:

BILL NO. G-85-03-50

Scale: NOT TO SCALE

-22-

Date: 2-25-85

NORTH





The City of Fort Wayne

April 10, 1985

Charles R. Cogdell, Attorney
1400 One Summit Square
Fort Wayne, IN 46802

Dear Mr. Cogdell:


NOTICE OF PUBLIC HEARING ON BILL NO. G-85-03-50

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, April 23, 1985, at 7:00 P.M., in Room 128 Common Council Conference Room, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Platted alley, 10 foot wide, lying along the
South line of Lots 4 through 15 and along the
East line of Lot 4 in C.L. Centlivre Addition

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Sincerely,


Sandra E. Kennedy
City Clerk



The City of Fort Wayne

April 10, 1985

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of April 12, 1985, in both the News Sentinel and the Journal Gazette.

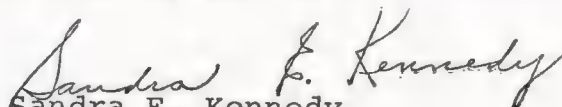
RE: G-85-03-50
Alley Vacation

Fort Wayne Common Council legal notice

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-85-03-50

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A platted alley, 10 feet wide, lying along the South line of Lots 4 through 15 and along the East line of Lot 4 in C.L. Centlivre Addition to the City of Fort Wayne, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot Number 3 in said C.L. Centlivre Addition to the City of Fort Wayne, Indiana; thence South bearing assumed along the West line of Lots Number 3, 2 and 1 a distance of 125.00 feet; thence South 89 degrees 54 minutes 30 seconds West along the North line of Lots Number 19 through 13, and Lots Number 22, 23, and a part of Lot Number 24 in Eckart's Addition to Fort Wayne a distance of 527.00 feet; thence North 34 degrees 59 minutes 30 seconds East along the Easterly line of the former St. Joseph Feeder Canal 12.21 feet to the Southwest corner of Lot Number 15 in said C.L. Centlivre Addition; thence North 89 degrees 54 minutes 30 seconds East along the South line of Lots Number 15 through 4 a distance of 505.00 feet; thence North 44 degrees 54 minutes 30 seconds East 7.07 feet to a point on the East line of Lot Number 4 in the C.L. Centlivre Addition; thence North along the East line of Lot Number 4 a distance of 110.00 feet to the Northeast corner of Lot 4 on the South line of State Street; thence North 89 degrees 56 minutes 00 seconds East along said South line of State Street 10.00 feet to the point of beginning;

Also:

An alley, 10 feet wide, lying East of Lot 19 in Eckart's Addition to the City of Fort Wayne, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot Number 19 in Eckart's Addition to the City of Fort Wayne, Indiana; thence North bearing assumed along the East line of said Lot Number 19 a distance of 107.50 feet to the Northeast corner thereof; thence North 89 degrees 54 minutes 30 seconds East 10.00 feet; thence South along the West line of Lots Number 21 and 20 in said Eckart's Addition 107.50 feet to the Southwest corner of said Lot Number 20 on the North line of Randolph Street; thence South 89 degrees 54 minutes 30 seconds West 10.00 feet to the point of beginning;

Also:

An alley conveyed by Petitioner to the City of Fort Wayne by quit claim deed dated May 11, 1954, lying West of Lot 23 in Eckart's Addition to the City of Fort Wayne, Indiana, more particularly described as follows:

Beginning at a point in the North line of Randolph Street eleven (11) feet West of the Southeast corner of Lot No. 23, Eckart's Continuation Addition to the City of Fort Wayne as recorded in Deed Record Book 67 on page 36 of the Records in the Recorder's Office of Allen County, Indiana; thence East eleven (11) feet to the Southeast corner of said Lot No. 23; thence Northeasterly along the Easterly line of said Lot No. 23 to the Northeast corner of said lot being located in the South line of a platted alley; thence West along the North line of said Lot No. 23, and along the South line of said platted alley sixteen (16) feet; thence Southwesterly to the place of beginning;

Also:

A strip of land 5 feet wide by 100 feet long lying adjacent to and immediately Southeasterly of Lot 24 JOHN H. JACOB'S ADDITION to the City of Fort Wayne as recorded in Plat Book 2, page 88, in the Office of the Recorder of Allen County, Indiana, and furthermore designated "alley" on said plat;

All interested persons are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To

JOURNAL-GAZETTE

P.O. BOX 100

FORT WAYNE, INDIANA

Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines		
Head	number of lines	3
Body	number of lines	75
Tail	number of lines	3
Total number of lines in notice		81

COMPUTATION OF CHARGES

81	lines,	1	columns wide equals	81	equivalent lines at	.300¢	24.30
cents per line							\$
Additional charge for notices containing rule or tabular work (50 per cent of above amount)							
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra							1.00
TOTAL AMOUNT OF CLAIM							\$ 25.30

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Title

CLERK

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-85-03-50

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PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned **Drusilla Roose** who, being duly sworn, says that he/she is **CLERK** of the **JOURNAL-GAZETTE** a **DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** in state and county aforesaid, and that the printed matter attached hereto is a true copy, **one time** which was duly published in said paper for the dates of publication being as follows: **4/12/85**

Subscribed and sworn to me before this **12th** day of **April** **85**

Drusilla Roose
Anne M. Perkins

the City of Fort Wayne as recorded in Deed Record Book 67 on page 36 of the Records in the Recorder's Office of Allen County, Indiana; thence East eleven (11) feet to the Southeast corner of said Lot No. 23; thence Northeasterly along the Easterly line of said Lot 23 to the Northeast corner of said lot being located in the South line of a platted alley; thence West along the North line of said Lot No. 23, and along the South line of said platted alley sixteen (16) feet; thence Southwesterly to the place of beginning;

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All interested persons are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

4/12

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To

JOURNAL-GAZETTE

P.O. BOX 100

FORT WAYNE, INDIANA

Dr.

PUBLISHER'S CLAIM

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81	1	81	.300¢	24.30
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Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra				1.00
TOTAL AMOUNT OF CLAIM				\$ 25.30

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Title

CLERK

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FORT WAYNE COMMON COUNCIL
BILL NO. G-85-03-50

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ent to and immediately Southeastly of Lot 24 of H. JACOB'S ADDITION to the City of Fort Wayne as recorded in Plat Book 2, page 88, in the office of the Recorder of Allen County, Indiana, and more designated "alley" on said plat; interested persons are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned **Drusilla Roose** who, being duly sworn, says that he/she is **CLERK** of the **JOURNAL-GAZETTE** a **DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** in state and county aforesaid, and that the printed matter attached hereto is a true copy, **one time** which was duly published in said paper for the dates of publication being as follows: **4/12/85**

Subscribed and sworn to me before this **12th** day of **April** **1985**

Anne M. Perkins
Notary Public

My commission expires **November 29, 1985**

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Ch. 89., Acts 1967.

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Drusilla Roose
Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says

that he/she is CLERK of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

4/12/85
Drusilla Roose
Subscribed and sworn to me before this 12th day of April 19 85

Anne M. Perkins Notary Public

My commission expires November 29, 1985

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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Date Apr. 12 19 85

Drusilla Roose
Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

4 / 12 / 85
Subscribed and sworn to me before this 12th day of April 19 85
Anne M. Perkins Notary Public
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WOMEN'S BASKETBALL SPRING GET A JOY
—Just Arrive— RUBBER \$15.98
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All interested persons are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Bill No. G-85-03-50

NOTIFIED - Chuck Cogdell / 1400 Summit Bank / City 02 -AGENT Only

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, March 18, 1985 at 7:00 p.m. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana, on the following request for an alley vacation, more particularly described as follows.

A platted alley, 10 feet wide, lying along the South line of Lots 4 through 15 and along the East line of Lot 4 in C.L. Centlivre Addition to the City of Fort Wayne, Indiana, more particularly described as follows, to-wit:

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All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 10871

FT. WAYNE, IND., 1-31 1985RECEIVED FROM J & M \$100.00THE SUM OF one hundred + 00/100 DOLLARSON ACCOUNT OF Alley VacationPro B.
AUTHORIZED SIGNATURE

BILL NO. G-85-03-50

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare Plan
of the City Comprehensive ("Master") Plan by vacating an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

~~(RESOLUTION)~~

YES

NO

Charles B. Redd

CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury

JANET G. BRADBURY
VICE CHAIRWOMAN

James S. Stier

JAMES S. STIER

Ben A. Eisbart

BEN A. EISBART

DONALD J. SCHMIDT

CONCURRED IN

4-23-85

SANDRA E. KENNEDY
CITY CLERK